

Message Text

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ACTION ARA-14

INFO OCT-01 ISO-00 SAB-02 L-03 PM-05 SS-15 SP-02
INR-07 DODE-00 SSO-00 INRE-00 NSCE-00 /049 W
-----061383 260017Z /73
O 252229Z AUG 77
FM AMEMBASSY PANAMA
TO SECSTATE WASHDC IMMEDIATE 3389
INFO USCINCSO
PANCANAL

C O N F I D E N T I A L SECTION 1 OF 3 PANAMA 6131

DEPARTMENT PASS DOD FOR GENERAL WELBORN DOLVIN

FOR S/AB, L, ARA/PAN FROM WYROUGH

E.O. 11652: GDS
TAGS: PBOR, PN
SUBJECT: PANAMA CANAL NEGOTIATIONS: TREATY DRAFTING AND RELATED
MATTERS

1. FOLLOWING IS AGREED UPON TEXT PROVIDED BY COLONEL
JACKLEY TO GO WITH PACKAGE GERALDEEN CHESTER IS CARRYING
TO WASHINGTON TODAY: BEGIN TEXT:

AGREED MINUTE TO ANNEX A TO THE AGREEMENT IN IMPLEMENTATION
OF ARTICLE IV OF THE PANAMA CANAL TREATY,

1. WITH REFERENCE TO PARAGRAPH (2) (A) OF ANNEX
A, IT IS UNDERSTOOD THAT THE UNITED STATES SHALL AGREE
TO THE CONSTRUCTION BY PANAMA OF A ROAD FROM PANAMA
CITY TO VERA CRUZ AT A LOCATION TO BE AGREED UPON BY
THE PARTIES, THE USE OF WHICH WILL BE SUBJECT TO CERTAIN
AGREED CONDITIONS AND RESTRICTIONS, WHICH WILL INCLUDE
THE FOLLOWING:

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--THE RIGHT OF WAY THROUGH THE DEFENSE SITE
FOR THE ROAD SHALL BE USED ONLY FOR CONSTRUCTION,
USE AND MAINTENANCE OF THE ROAD.

--THE FORCES SHALL HAVE ACCESS TO THE RIGHT
OF WAY AND THE ROAD FOR USE OF IT AND TO CROSS
IT AT ANY POINT FOR PURPOSES OF CANAL DEFENSE.

IT IS UNDERSTOOD BY THE PARTIES THAT UPON COMPLETION OF SUCH ROAD, THE ACCESS ROAD THROUGH HOWARD AIR FORCE BASE TO VERA CRUZ MAY BE CLOSED BY THE UNITED STATES TO THROUGH TRAFFIC. IT IS FURTHER UNDERSTOOD THAT THE REPUBLIC OF PANAMA WILL PRECLUDE ANY ACTIVITY IN THE COASTAL AREAS OF KOBBE AND VENADO BEACHES WHICH, IN THE DETERMINATION OF THE COMMANDER UNITED STATES FORCES IN PANAMA, MIGHT INTERFERE TECHNICALLY WITH THE ACTIVITIES OF THE UNITED STATES NAVY RECEIVER SITE AT FARFAN, THE UNITED STATES AIR FORCE COMMUNICATIONS ACTIVITY IN THE VICINITY OF THE HOWARD/KOBEE DEFENSE SITES, AND AIRCRAFT OPERATIONS AT HOWARD AIR FORCE BASE.

AN ILLUSTRATIVE LISTING OF ACTIVITIES WHICH WOULD INTERFERE WITH AIRCRAFT OPERATIONS AT HOWARD ARE AS FOLLOWS:

--ANY CONSTRUCTION WITHIN 1 KILOMETER ON EITHER SIDE OF THE RUNWAY AS EXTENDED TO THE WATER.

--CONSTRUCTION OF STRUCTURES OR OBJECTS MORE THAN 8 METERS HIGH IN AN AREA FROM 1 TO 3 KILOMETERS EAST OF THE RUNWAY AS EXTENDED TO
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THE WATER.

--CONSTRUCTION OF STRUCTURES OR OBJECTS MORE THAN 8 METERS HIGH IN AN AREA FROM 1 TO 2 KILOMETERS WEST OF THE RUNWAY AS EXTENDED TO THE WATER.

IT IS FURTHER UNDERSTOOD THAT THE GENERAL PUBLIC SHALL HAVE FREE ACCESS TO THOSE PORTIONS OF VENADO AND KOBBE BEACHES LYING WITHIN DEFENSE SITES IN ACCORDANCE WITH PROCEDURES TO BE DEVELOPED BY THE JOINT COMMITTEE.

2. WITH REFERENCE TO PARAGRAPH (2) (E) OF ANNEX A, IT IS UNDERSTOOD THAT THE REPUBLIC OF PANAMA WILL RESTRICT ANY ACTIVITY WITHIN A 6,000 FOOT RADIUS OF GALETA OPERATING ANTENNA (COORD. 238393) WHICH, IN THE DETERMINATION OF THE UNITED STATES MIGHT INTERFERE TECHNICALLY WITH THE COMMUNICATIONS AT GALETA. IT IS FURTHER UNDERSTOOD THAT THERE WILL BE NO CONSTRUCTION WITHIN A 10,500 FOOT RADIUS OF THE GALETA OPERATING ANTENNA FOR PURPOSES OF HEAVY INDUSTRY OR OF INSTALLATIONS WITH HIGH VOLTAGE ELECTRICAL EMISSION,

UNLESS THE TWO GOVERNMENTS OTHERWISE AGREE.

3. WITH REFERENCE TO PARAGRAPH (2) (E) OF ANNEX A, IT IS UNDERSTOOD THAT THE UNITED STATES WILL CONSIDER USE BY THE REPUBLIC OF PANAMA OF THE NAVY PIPELINE AS A COMMON CARRIER, UNDER TERMS AND CONDITIONS TO BE MUTUALLY AGREED.

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4. WITH REFERENCE TO PARAGRAPH (3) (A) (II) (BB) AND (CC) OF ANNEX A, IT IS UNDERSTOOD THAT THE REPUBLIC OF PANAMA SHALL MAINTAIN THE S-10 ROAD OPEN FROM ESCOBAL NORTH ALONG THE WEST BANK OF THE CANAL FROM COORDINATED 140115 TO 160228 IN ORDER TO PERMIT ACCESS TO AND FROM PINA RANGE AND FORT SHERMAN WEST TRAINING AREA.

5. WITH REFERENCE TO THE INSTALLATIONS LISTED IN PARAGRAPH (3) (B) (III) - (V) AND (3) (B) (VII) OF ANNEX A, IT IS UNDERSTOOD THAT THE FOLLOWING FACILITIES SHALL CEASE TO BE AREAS OF COORDINATION AS STATED:

--U.S. NAVY SALVAGE STORAGE AREA, BUILDING 29B-FIVE YEARS FROM EFFECTIVE DATE OF THE TREATY.

--BUILDING 1008 AND 1009-THREE YEARS FROM EFFECTIVE DATE OF THE TREATY.

--BUILDING 496 AND 1010-TWO YEARS FROM THE EFFECTIVE DATE OF THE TREATY.

--BUILDING 1019, 1007 AND 1022-ONE YEAR FROM
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THE EFFECTIVE DATE OF THE TREATY.

6. WITH REFERENCE TO PARAGRAPH (3) (B) (VI) OF
ANNEX A IT IS UNDERSTOOD THAT THE BALBOA WEST BOMBING
RANGE WILL CEASE TO BE SUBJECT TO THE PROVISIONS OF
ANNEX B TO THIS AGREEMENT AT SUCH TIME AS THE
GOVERNMENT OF PANAMA PROVIDES AN ALTERNATIVE
FACILITY, ACCEPTABLE TO THE UNITED STATES, FOR THE
USE OF THE UNITED STATES FORCES AS A BOMBING RANGE.

7. WITH REFERENCE TO PARAGRAPH (2) (B) OF ANNEX
A IT IS UNDERSTOOD THAT THE AIRSTRIP AT ALBROOK
AIR FORCE STATION WHICH IS TRANSFERRED TO THE REPUBLIC
OF PANAMA PURSUANT TO ARTICLE XIII OF THE
PANAMA CANAL TREATY WILL NOT BE USED FOR ANY
AVIATION FLIGHT PURPOSES OTHER THAN HELICOPTER
OPERATIONS.

IT IS FURTHER UNDERSTOOD THAT THE UNITED STATES
FORCES MAY CONDUCT HELICOPTER OPERATIONS ON THE
WEST TAXIWAYS, ADJACENT GRASSY AREAS AND RUNWAY AT
ALBROOK UNTIL SUCH TIME, IN THE DETERMINATION OF
PANAMA, DEVELOPMENT OF THIS AREA BY PANAMA SHALL
ADVERSELY AFFECT FLIGHT SAFETY.

8. WITH REFERENCE TO PARAGRAPHS (2) AND (3)
OF ANNEX A IT IS UNDERSTOOD THAT THE UNITED STATES
SHALL AGREE TO THE CONSTRUCTION BY PANAMA OF AN
ATLANTIC COAST HIGHWAY, AND NEW HIGHWAY ON THE
PACIFIC SIDE, AT LOCATIONS AND WITH RIGHT OF WAY
WIDTHS AS MUTUALLY AGREED. IT IS FURTHER UNDERSTOOD
THAT THE BRIDGE OVER THE CANAL, IN EACH CASE,
WILL BE OF A DESIGN SUFFICIENTLY HIGH SO THAT IT
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WILL NOT INTERFERE WITH THE OPERATION OF THE CANAL
OR WITH ANY IMPROVEMENT THAT MAY BE MADE TO THE
CANAL.

9. WITH REFERENCE TO PARAGRAPH (2) (E) OF ANNEX
A, IT IS UNDERSTOOD THAT THE REPUBLIC OF PANAMA SHALL
KEEP THE R-12 ROAD OPEN FROM COCO SOLO TO GALETA

ISLAND.

10. WITH REFERENCE TO PARAGRAPH (3) (A) (III) (DD) OF ANNEX A, IT IS UNDERSTOOD THAT THE ARMED FORCES OF THE REPUBLIC OF PANAMA AND THE ARMED FORCES OF THE UNITED STATES WILL PERMIT FREE ACCESS TO THE GENERAL PUBLIC ON THE FORT AMADOR ROAD. IT IS FURTHER UNDERSTOOD THAT THE JOINT COMMITTEE SHALL DEVELOP PROCEDURES FOR THE LOCATION OF A JOINTLY MANNED ENTRANCE OR CONTROL POINT. UNTIL SUCH PROCEDURES ARE DEVELOPED THE PRESENT ENTRANCE CONTROL POINT SHALL REMAIN, PROVIDED THAT MEMBERS OF THE ARMED FORCES OF PANAMA SHALL PARTICIPATE IN ITS MANNING. IT IS ALSO UNDERSTOOD THAT JOINT MILITARY PATROLS OF THE ARMED FORCE OF PANAMA AND THE UNITED STATES FORCES SHALL PATROL THE AMADOR ROAD AND THAT THE U.S. MEMBERS OF THESE JOINT PATROLS SHALL ONLY HAVE AUTHORITY OVER MEMBERS OF THE UNITED STATES FORCES, THE MEMBERS OF THE CIVILIAN COMPONENT, AND THEIR DEPENDENTS.

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IT IS FURTHER UNDERSTOOD THAT THE MEMBERS OF THE FORCES, THE CIVILIAN COMPONENT, AND THEIR DEPENDENTS SHALL HAVE ACCESS TO AND USE OF THE BEACH AT NAOS ISLAND.

11. WITH REFERENCE TO PARAGRAPH (2) (C) OF ANNEX A, IT IS UNDERSTOOD THAT THE GENERAL PUBLIC SHALL HAVE FREE ACCESS ON THE R-6, 836, R-2, S-10, S-2, AND S-8 ROADS.

12. WITH REFERENCE TO PARAGRAPH (3) (A) (1) (AA)
OF ANNEX A, IT IS UNDERSTOOD THAT THE UNITED STATES
SHALL HAVE USE AND ACCESS RIGHTS TO A HELICOPTER LANDING
SITE AT GRID COORDINATES 596 898, IN ACCORDANCE WITH
PROCEDURES TO BE DEVELOPED BY THE JOINT COMMITTEE.
END TEXT.

2. THE FOLLOWING IS AN AGREED LIST OF EDITORIAL
CHANGES IN THE AGREEMENT IN IMPLEMENTATION
OF ARTICLE IV: BEGIN TEXT:

CHANGES IN AGREEMENT IN IMPLEMENTATION OF ARTICLE IV
PANAMA CANAL TREATY

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1. INDEX:

A. DELETE "ARTICLE XXII APPLICATION OF THE
PANAMA CANAL TREATY TO THIS AGREEMENT".

B. RENUMBER "ARTICLE XXIII" " AS ARTICLE XII"

C. DELETE ALL INDEX TEXT ON ANNEXES A, B, C,.

INSERT TO REPLACE:

ANNEX A-DEFENSE SITES, MILITARY AREAS OF COORDINATION AND
OTHER INSTALLATIONS

ANNEX B-TERMS FOR ADMINISTRATION OF MILITARY AREAS OF
COORDINATION

ANNEX C-APPLICATION OF SOCIAL SECURITY

ANNEX D-PROCEDURAL GUARANTEES

2. INTRODUCTION: LINE EIGHT: INSERT "IV" AFTER
"ARTICLE"

3. ARTICLE IV-USE OF DEFENSE SITES

A. DELETE: SECOND SENTENCE OF
PARAGRAPH (QL PAGE 6.

B. INSERT AS SECOND SENTENCE OF PARAGRAPH

(1) PAGE 6-"MOREOVER, ANNEX A INCLUDES LIST OF
MILITARY AREAS OF COORDINATION WHICH MAY BE USED

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BY THE ARMED FORCES OF BOTH GOVERNMENTS, IN ACCORDANCE
WITH ANNEX B TO THIS AGREEMENT."

C. REASON: THE OLD SENTENCE REFERS TO A LISTING
OF JOINT TRAINING AREAS. THERE ARE NO AREAS IN THIS
CATEGORY. THERE ARE, HOWEVER, MILITARY AREAS OF COORDINATION.
THE NEW SENTENCE REFERS TO THE LISTING IN ANNEX A OF THE
AREAS OF COORDINATION.

4. ARTICLE IV-CRIMINAL JURISDICTION

PAGE 14, PARAGRAPH (10) LINE THREE, CHANGE
REFERENCE TO ANNEX B TO REFERENCE TO ANNEX D.

5. ARTICLE XXII APPLICATION OF THE PANAMA CANAL TREATY
TO THIS AGREEMENT

DELETE NUMBER AND TITLE OF THIS ARTICLE. IT DOES NOT
CONTAIN ANY TEXT AND ARTICLE IV OF PANAMA CANAL TREATY
PROVIDES FOR ITS APPLICATION TO THIS AGREEMENT.

6. ARTICLE XXIII DURATION

RENUMBER AS ARTICLE XXII.

DELETE ENTIRE TEXT.

INSERT AS REPLACEMENT TEXT: "THIS AGREEMENT SHALL ENTER INTO
FORCE WHEN THE PANAMA CANAL TREATY SIGNED ON THIS DATE
ENTERS INTO FORCE AND SHALL
TERMINATE AT NOON ON DECEMBER 31, 1999.
END TEXT.
JORDEN

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENT DRAFT, CANALS, NEGOTIATIONS, MEETING REPORTS
Control Number: n/a
Copy: SINGLE
Sent Date: 25-Aug-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977PANAMA06131
Document Source: CORE
Document Unique ID: 00
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Format: TEL
From: PANAMA
Handling Restrictions: n/a
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Legacy Key: link1977/newtext/t19770824/aaaaatky.tel
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Office: ACTION ARA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
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Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 29-Mar-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1487190
Secure: OPEN
Status: NATIVE
Subject: PANAMA CANAL NEGOTIONS: TREATY DRAFTING AND RELATED MATTERS
TAGS: PBOR, PN, US
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/bb617053-c288-dd11-92da-001cc4696bcc
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Margaret P. Grafeld
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